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Report by the Secretary-General

INTRODUCTION

1. The present report is submitted in pursuance of Security Council resolution 693 (1991) of 20 May 1991 by which the Council, inter alia, decided to establish the United Nations Observer Mission in El Salvador (ONUSAL) to monitor all agreements concluded between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) and requested the Secretary-General to keep the Council fully informed on the implementation of that resolution.

2. As the members of the Security Council will be aware, the results of the latest round of negotiations between the two parties in New York were announced in the "Act of New York", which was signed at midnight on 31 December 1991 and whose text is attached as an annex to the present report. That document recorded that the two parties had concluded a number of further agreements which, following a final round of negotiations on two outstanding issues, would be signed in Mexico City on 16 January 1992.

3. The agreements reached include two in particular which, subject to the Council's approval, will require an immediate and substantial increase in ONUSAL's strength if it is to assume the verification and monitoring functions desired of it by the two parties. These are the agreement on the cessation of the armed confrontation, in which it is envisaged that ONUSAL will verify all aspects of the cease-fire and the separation of forces, and the agreement on the National Civil Police, which envisages that ONUSAL will monitor the maintenance of public order during the transitional period while the new National Civil Police is set up. The purpose of the present report is to convey to the Security Council my recommendations on how ONUSAL should undertake these functions and on the consequent changes that will be required in its organization and strength.

I. VERIFICATION REQUIREMENTS ARISING FROM THE AGREEMENT ON THE CESSATION OF THE ARMED CONFRONTATION

4. The Agreement provides that the process of ending the armed confrontation will begin on 1 February 1992 (D-day) and will be completed by 31 October 1992. During the period between the signature of the Agreement on 16 January 1992 and D-day the parties will observe an informal cease-fire. The cease-fire will formally enter into force on D-day. Any alleged violation of it will be investigated by ONUSAL. A separation of forces will be carried out in two stages, the first ending on D+5 day (6 February 1992) and the second on D+30 day (2 March 1992), with the armed force of El Salvador (FAES) redeploying progressively to the positions it would maintain in normal peace-time deployment and the FMLN forces concentrating progressively in agreed "designated locations" in the areas of conflict. During the period of the informal cease-fire (16 January-31 January 1992), the Chief Military Observer of ONUSAL, in consultation with the two sides, will have defined precisely the designated locations for FMLN forces and worked out phased programmes for the movements of both sides' forces to those locations. These movements will be supervised by ONUSAL. As soon as possible after signature of the Agreement, the two sides will have conveyed to the Chief Military Observer of ONUSAL detailed information about the strength and armament of their forces. ONUSAL will verify that all declared personnel and equipment are brought to the agreed locations. The Agreement specifies the purposes for which personnel may leave the agreed locations in coordination with, and sometimes accompanied by, ONUSAL. ONUSAL is also given certain responsibilities in relation to alleged violations of the cease-fire committed by clandestine forces to non-combat flights by military aircraft and to a possible decision by the President of the Republic to exercise his constitutional right to use FAES exceptionally to help to deal with a public order crisis.

II. REQUIREMENTS ARISING FROM THE AGREEMENT ON THE NATIONAL CIVIL POLICE

5. As part of the overall agreement to establish peace in El Salvador, two of the existing security bodies will be disbanded early in the process and the third will be phased out over a longer period. These measures will be implemented simultaneously with the organization of a new National Civil Police, in accordance with the terms of the agreement, with close international cooperation and supervision, coordinated by the United Nations.

6. In order to facilitate the difficult transition phase following the cease-fire and to generate confidence among all sectors of the population, the United Nations is expected to play a role that entails more than mere verification, and which includes the monitoring of the maintenance of public order, in particular the monitoring of operations and conduct of the existing National Police until the new National Civil Police is deployed throughout the country, which is to be done progressively. The concept for such monitoring is drawn from recent United Nations experience. Its objective is to permit

the Salvadorian people to feel sufficiently secure during the delicate phase of transition from armed confrontation to national reconciliation, while the new National Civil Police, which is to be created, with the agreement of the two sides, to meet the country's requirements in the new era, is formed, trained and commissioned into service.

7. The United Nations police monitors will work closely with the Salvadorian police, monitoring their activities in order to ensure that they are conducted with professionalism, objectivity and impartiality. The police contingent of ONUSAL would deploy monitors at all levels of the present National Police. In particular, ONUSAL police monitors would establish their presence at the National Police central and regional headquarters and other decision-making and operational levels. Such presence would extend to as many fixed National Police installations as considered necessary, in both urban and rural areas. ONUSAL police monitors would also be deployed in areas where a special regime will prevail under the terms of the transitional provisions of the agreement on the creation of the National Civil Police. Mobile monitoring also would be a major activity, both by accompanying police patrols and monitoring their activities by random checks. The aim of United Nations monitoring will be to deter intimidation, reprisals or other violations of the civil rights of all sectors of the population, as well as to promote the impartial and non-discriminatory enforcement of laws and regulations in a manner that will encourage and promote national reconciliation. As the strength of the National Police is progressively reduced in accordance with a timetable to be established, the number of ONUSAL police monitors also would be reduced.

III. CHANGES IN THE ORGANIZATION AND STRENGTH OF ONUSAL

8. It will be recalled that in its first phase of operation ONUSAL's verification responsibilities have related to implementation by the parties of the Agreement on Human Rights 1/ which they signed at San José on 26 July 1990. This task is carried out by a Human Rights Division which has been established in ONUSAL. If the Security Council agrees that ONUSAL's strength should be increased to permit it to fulfil the new verification requirements described above, it will be necessary to establish two additional divisions, a Military Division and a Police Division. Like the Human Rights Division, these new divisions would be under the overall control of the Chief of Mission, Mr. Iqbal Riza.

9. The Military Division would be commanded by an officer in the rank of Brigadier-General, who would be appointed by the Secretary-General after consultation with the parties and with the consent of the Security Council. The military observers would be contributed by Member States, at the request of the Secretary-General, who will consult the parties and obtain the Security Council's approval. The core strength of the Military Division, which will be required until the cessation of the armed confrontation is completed by 31 October 1992, will be 244 military observers. In addition it will be necessary to deploy an additional 128 military observers to enable ONUSAL to carry out the extensive responsibilities entrusted to it during the 30-day

period when the separation of forces will be implemented. The headquarters of the Military Division will be in San Salvador and it will have four regional offices, which will be colocated with the existing regional offices established by the Human Rights Division.

10. I intend to meet as much as possible of the personnel requirements of ONUSAL's Military Division by transferring to that mission officers currently serving with the United Nations Observer Group for Central America (ONUCA), with the concurrence of the contributing Governments concerned. Aircraft, vehicles and other equipment will similarly be transferred. In pursuance of paragraph 3 of Security Council resolution 719 (1991), I shall shortly convey to the Council my recommendation that, with the end of the armed conflict in El Salvador now in sight, the mandate of ONUCA should be terminated. I have already informed the Governments of the five countries in which ONUCA is deployed that this is my intention.

11. The Police Division would be commanded by an officer of rank equivalent to Brigadier-General, who also would be appointed by the Secretary-General. The police monitors also would be contributed by Member States, at the request of the Secretary-General. The preliminary estimate for the core strength of the Police Division until 31 December 1992 is 631 observers, to be deployed in all departments of El Salvador. It is hoped that this estimate would be adequate to implement ONUSAL's police monitoring functions effectively. Again, should it transpire that additional monitors become indispensable, the Council's authority would be requested.

12. The headquarters of the Police Division would be in San Salvador. It would have four regional offices, colocated with the existing ONUSAL regional offices, with suboffices being established to correspond to National Police deployment. The Police Division would work in close coordination with the Human Rights Division, which also is concerned with the functioning of the Salvadorian public security forces in relation to the human rights of the population.

13. The intention would be to reduce the strength of the Police Division after 1 January 1993 in concordance with the phasing out of the National Police. More precise proposals would be submitted to the Council towards the end of 1992.

IV. OBSERVATIONS

14. The present report is being presented to the Security Council in advance of signature of the agreements, which will give rise to the additional responsibilities for ONUSAL described above. I am confident that the remaining issues i the negotiation (a timetable for implementation of all the agreements and modalities for the ending of the military structure of FMLN and the reintegration of its members, within a framework of full legality, into the civil, institutional and political life of the country) will rapidly be

agreed and that signature of all the agreements will take place on 16 January 1992, as scheduled. In these circumstances, I hope that the Security Council will be ready to adopt, in advance of signature, the decisions that will be necessary to permit a very rapid enlargement of ONUSAL so that it will be in a position to fulfil its new responsibilities as soon as the cessation of the armed confrontation begins on 1 February 1992.

15. The agreed modalities for the ending of the military structure of the FMLN and the reintegration of its members, within a framework of full legality, into the civil, institutional and political life of the country will give rise to some further verification tasks for ONUSAL but these can be performed with the increased strength recommended in this report. If verification of other agreements which are to be signed in Mexico City should give rise to requirements beyond the capacity of the personnel levels recommended in this report, I shall revert to the Council.

16. The recommendation for the rapid enlargement of ONUSAL refers to the urgent operational needs prompted by the agreement to cease fire on 1 February 1992. However, the Geneva Agreement of 4 April 1990, which lays down the framework for the process which is to lead to the end of the armed conflict in El Salvador, under the auspices of the Secretary-General, provides for the verification of all agreements by the United Nations. This was approved by the Security Council in its resolution 693 (1991). The agreements which are to be signed on 16 January 1992, together with those already signed by the parties, cover a very wide agenda and involve considerable demands upon the Organization. I hope soon to put before the Council any further needs that arise out of these demands and that might entail consequences in terms of resources going beyond those currently in existence.

17. The Geneva Agreement of 4 April 1990 specifically provided in paragraph 5 for the Secretary-General to maintain, at his discretion, confidential contacts with the Governments of States Members of the United Nations or groups thereof that can contribute to the success of the process through their advice and support. Throughout the negotiating stage of the process, my predecessor and his Personal Representative have, within this framework, regularly consulted with a number of Governments that have lent assistance through their own channels of communication with the parties, as well as helping financially and logistically. My predecessor has had occasion to express his appreciation for this assistance. I wish to reiterate it on the Organization's behalf. Among these States it is appropriate to single out the Governments of Colombia, Mexico, Spain and Venezuela, which have come informally to be known as the "friends of the Secretary General".

18. The responsibilities as entrusted to me under the aforementioned agreement, and those of the United Nations pursuant to subsequent agreements, continue well beyond the negotiating phase which is now drawing to an end. The period to come, combining implementation of agreements under United Nations verification and national reconciliation as well as reconstruction, will require a large and sustained effort on the part of the Salvadorian Government and people and the strong support of the international community.

Clearly the central role in promoting the implementation of agreements falls upon the Security Council, which has expressed support for peace efforts in Central America and specifically in El Salvador on a number of occasions.

19. Using the discretionary faculties entrusted to me by the parties to the Geneva Agreement, I fully intend to continue to call upon Governments of member States for assistance in the period to come. I will in particular continue to rely on Colombia, Mexico, Spain and Venezuela, whose Governments have reiterated to me their willingness to continue playing a support role which I consider to be essential both to buttress me in the exercise of my responsibilities as described above, as well as in coming reconstruction endeavours. I will also be approaching other States and groups of States, both within and outside the region, towards this same end. I intend in the coming days and weeks to continue to explore with the parties and with others ways and means to ensure a follow-up in the coming stages of the Salvadorian process whose goals, as stated in the Geneva Agreement, were not only to bring an end to the armed conflict, but also to promote respect for human rights, democracy and the reunification of the Salvadorian people.

20. In conclusion, I recommend that the Security Council now take the decision to enlarge ONUSAL's mandate and increase its strength as proposed in this report. I shall, as always, ensure that these additional tasks are carried out as economically as possible. It is my intention to summit a further report to the Council in mid October 1992 with my recommendations concerning ONUSAL's continuing operations and strength in the period following the end of that month.

Notes

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Annex

ACT OF NEW YORK

[Original: Spanish]

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) hereby declare that they have reached definitive agreements which, combined with those previously signed at San José, Mexico City and New York, complete the negotiations on all substantive items of the Caracas Agenda and the New York "Compressed Negotiations". Their implementation will put a final end to the Salvadorian armed conflict.

An agreement has also been reached on all technical and military aspects relating to the separation of the warring parties and the cessation of the armed conflict, which includes the end of the military structure of the FMLN and the reintegration of its members, within a framework of full legality, into the civil, political and institutional life of the country.

The parties have also agreed that the cessation of the armed conflict shall take effect formally on 1 February 1992 and shall conclude on 31 October 1992.

A further meeting between the parties has been scheduled for 5 January 1992 to negotiate the timetable for implementing the agreements and the procedure for ending the military structure of FMLN and reintegrating its members, within a framework of full legality, into the civil, political and institutional life of the country.

Such negotiations must be successfully concluded by 10 January 1992 at the latest. Otherwise, the parties undertake to accept, by 14 January 1992 at the latest, a formula for resolving outstanding issues to be proposed to them by the Secretary-General of the United Nations. The Final Peace Agreements will be signed at Mexico City on 16 January 1992.

The parties undertake to preserve the atmosphere necessary for maintaining and expanding the unilateral decisions which they have taken in order to avoid all military activity.

New York, 31 December 1991

Representing the Government of El Salvador:

(Signed) Dr. Oscar Santamaría

(Signed) Colonel Mauricio Ernesto Vargas

(Signed) Dr. David Escobar Galindo

(Signed) Colonel Juan Martinez Varela

(Signed) Dr. Abelardo Torres

(Signed) Dr. Rafael Hernán Contreras

Representing the Frente Farabundo Martí para la Liberación Nacional:

(Signed) Commander Schafik Handal

(Signed) Commander Francisco Jovel

(Signed) Commander Salvador Sánchez Corén

(Signed) Colonel Eduardo Sancho

(Signed) Commander Joaquín Villalobos

(Signed) Alvaro de Soto
Representative of the Secretary-General
of the United Nations